

OPINION
63-25

December 23, 1963 (OPINION)

BOARD OF ADMINISTRATION

RE: Grafton State School - Child Placement

This is in reply to your letter of December 9, 1963, in which you enclosed a copy of a letter from Dr. Rand, Superintendent of the Grafton State School, under date of December 6, 1963.

Dr. Rand states there are a number of people at the Grafton State School over twenty-one years of age and who might be put out on placement although their parents do not wish this done. The question presented is whether or not parents approval must be obtained before placing a child on work placement or in a foster home.

Section 25-04-08 of the North Dakota Century Code provides:

REMOVAL OF INMATE FROM INSTITUTION - PAROLE OR GRANTING LEAVE OF ABSENCE TO INMATE. An inmate of the state school shall not be removed therefrom except upon the written request of his parent, guardian, or custodian. Such request shall receive the approval of the Board of Administration and of the superintendent of the school before the inmate can be removed. The superintendent may grant any inmate of the school a parole or leave of absence under such rules and regulations as the board shall adopt." (Emphasis supplied).

We believe the above language is clear and explicit and therefore not subject to interpretation. It requires the consent of the parents, guardian or custodian of any person committed to the State School in order to remove such person therefrom.

It is therefore our opinion that such approval must be obtained before placing a child on work placement or in a foster home. If, of course, a child is placed in a foster home by court order the above provision would not be applicable.

HELGI JOHANNESON

Attorney General